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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 OUTERBRIDGE ACCESS
ASSOCIATION, SUING ON BEHALF
12 OF DIANE CROSS; and DIANE CROSS,
An Individual,

13 Plaintiffs,
14

15 v.

MARIE CALLENDER'S PIE SHOPS,
16 INC. d.b.a. MARIE CALLENDER'S #254;
PACIFIC BAGELS, LLC d.b.a.
17 BRUEGGARS BAGELS; COURTYARD
HOLDINGS, LP; PSS PARTNERS, LLC;
18 AND DOES 1 THROUGH 10, Inclusive,

19 Defendants.
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CASE NO. 07 CV 2129 BTM (AJB)

**JOINT MOTION FOR EXTENSION OF
TIME FOR DEFENDANT COURTYARD
HOLDINGS, LP TO FILE A RESPONSIVE
PLEADING TO PLAINTIFFS'
COMPLAINT**

[CivLR 7.2, 12.1]

Honorable Barry T. Moskowitz

1 Plaintiffs, Outerbridge Access Association, Suing on Behalf of Diane Cross, and Diane
2 Cross (jointly, "Plaintiffs"), and Defendant Courtyard Holdings, LP ("Defendant"), through their
3 counsel of record, jointly move the Court and stipulate as follows:

4 Whereas, Plaintiffs' Complaint initiating this action was filed on November 7, 2007;

5 Whereas, Defendant's registered agent for service of process, Corporation Service
6 Company, received the Complaint on November 7, 2007 and thereafter provided the Complaint
7 to Defendant's separate parent entity, Clarion Partners, LLC, in Washington, DC;

8 Whereas, the portfolio administrator in Washington, DC who received the Complaint on
9 behalf of Clarion Partners, LLC experienced health problems and was unable to act in response
10 to the Complaint until a few days before the response was due;

11 Whereas, on November 28, 2007, Plaintiffs and Defendant filed a Joint Motion for
12 Extension of Time for Defendant Courtyard Holdings, LP to File a Responsive Pleading to
13 Plaintiffs' Complaint (the "Joint Motion");

14 Whereas, on November 30, 2007, the Court granted the parties' Joint Motion and
15 extended the time for Defendant Courtyard Holdings, LP to respond to the Complaint until
16 December 12, 2007;

17 Whereas, Plaintiffs have provided Defendant with a settlement offer, and Defendant is
18 currently reviewing that offer and needs additional time to file its response to the Complaint;

19 Whereas, pursuant to Rules 7.2 and 12.1 of the Local Civil Rules of Practice for the
20 United States District Court for the Southern District of California, Plaintiffs and Defendant have
21 stipulated that Defendant Courtyard Holdings, LP shall have a further extension, to and including
22 January 11, 2008, to file its responsive pleading to the Complaint.

23 IT IS HEREBY STIPULATED that Defendant Courtyard Holdings, LP shall have to and
24 including January 11, 2008 to file its responsive pleading to the Complaint. Accordingly,
25 Plaintiffs and Defendant hereby move the Court to enter the Order Granting Joint Motion for
26 Extension of Time for Defendant Courtyard Holdings, LP to File a Responsive Pleading to
27 Plaintiffs' Complaint concurrently lodged with the Court.

IT IS SO STIPULATED.

Dated: December 12, 2007

PINNOCK & WAKEFIELD, A.P.C.
THEODORE A. PINNOCK
DAVID C. WAKEFIELD
MICHELLE L. WAKEFIELD

By: s/ Michelle L. Wakefield
Michelle L. Wakefield
Attorneys for Plaintiffs OUTERBRIDGE ACCESS
ASSOCIATION, SUING ON BEHALF OF DIANE
CROSS, AND DIANE CROSS
E-mail:
MichelleWakefield@PinnockWakefieldLaw.com

Dated: December 12, 2007

MAYER BROWN LLP
JOHN NADOLENCO
BRONWYN F. POLLOCK

By: s/ Bronwyn F. Pollock
Bronwyn F. Pollock
Attorneys for Defendant COURTYARD
HOLDINGS, LP
E-mail: BPollock@mayerbrown.com

PROOF OF SERVICE

I, Elena G. Griffin, declare:

I am employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 350 South Grand Avenue, 25th Floor, Los Angeles, California 90071-1503. On December 12, 2007, I served a copy of the within document(s):

**JOINT MOTION FOR EXTENSION OF TIME FOR
DEFENDANT COURTYARD HOLDINGS, LP TO FILE A
RESPONSIVE PLEADING TO PLAINTIFFS' COMPLAINT**

- ☒ by transmitting via electronic means the document(s) listed above to the email address(es) set forth below on this date before 5:00 p.m.
- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed UPS envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a UPS agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.


PLEASE SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 above is true and correct.

3 Executed on December 12, 2007, at Los Angeles, California.

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7 Elena G. Griffin
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